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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,041	11/23/2005	Stephan Kundig	2351/2	6635
23638	7590	05/25/2007	EXAMINER	
ADAMS EVANS P.A. 201 SOUTH COLLEGE STREET, SUITE 2350 CHARLOTTE, NC 28244			ROSE, ROBERT A	
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
05/25/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/521,041	KUNDIG, STEPHAN	
Examiner	Art Unit		
Robert Rose	3723		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 09 March 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4, 6 and 7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4, 6 and 7 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. Claim 5 remains canceled.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-4, and 6-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 2 the phrase "a feed direction" is deemed incomplete, in that it is not clear what element of the device is being fed. In claim 2, line 3 "a feed direction" is deemed incomplete, in that it is not clear what element of the device is being fed. In claim 3, lines 2-3 "a center of rotation", and "an oblique alignment" are all without proper supporting structure to clarify what structure of the device is being described. Apparently, it is not the entire structure of the device which is capable of rotation, and reorientation. In claim 4, line 2 "an oblique alignment" is deemed incomplete, in that the term "oblique" is not recited as referenced with respect to any structure. In claim 7, line 2 the phrase "a differing path delay" is not understood. In claim 7, line 4 the phrase "can be compensated..." is deemed incomplete, in that it is unclear to what property or parameter of the segments the compensation refers.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, and 6-7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hessemann in view of Kreipe(German No. 3933697). Hessemann discloses a sanding apparatus with plural pressure pads arranged along a pressure beam responsive to sensors upstream of the sanding head, for adjusting the local pressure of the sanding belt. Kreipe(German No. 3933697) discloses a sanding apparatus having a sanding belt and backup platen adjustably oriented at an oblique angle to the conveyor feed direction. To make the sanding head including the backup platen in Hessemann adjustable to vary the crossfeed angle for controlling the sanding process, would have been obvious in view of Kreipe.

6. Applicant's arguments filed March 9, 2007 have been fully considered but they are not persuasive. The rejection under 35USC 112, second paragraph has not been overcome, since Applicant's amendment to the claims has introduced new grounds for rejection under this statute. Specifically, the recitations of "a feed direction", "an oblique alignment", "a differing path delay" and "can be compensated" lack adequate structure to fully support the function. With regard to the rejection under 35 USC 103, the combination of Hessemann in view of Kreipe(German No. 3933697) is still deemed to be valid. Hessemann lacks a means for adjusting the angular orientation of the sanding belt. However, Kreipe(German No. 3933697) teaches to make the sanding head including the backup platen in Hessemann adjustable to vary the crossfeed angle for controlling the sanding process. To make the sanding belt and backup platen adjustably oriented at an oblique angle to the conveyor feed direction would have been obvious in view of Kreipe.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Rose whose telephone number is (571) 272-4494. The examiner can normally be reached on Monday through Thursday, and on alternate Fridays, from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/521,041  
Art Unit: 3723

Page 5

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Rose  
Primary Examiner  
Art Unit 3723



Rr

May 21, 2007.